

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN RICHARD MOSS,

Plaintiff,

Case No. 2:10-cv-1119

v.

JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kemp

OFFICE OF THE OHIO PUBLIC
DEFENDERS,

Defendant(s).

ORDER

Plaintiff, a state prisoner, submitted a request to file a civil action *in forma pauperis*, but did not attach a copy of his trust fund account statement as required by 28 U.S.C. §1915(a). On December 16, 2010, the Magistrate Judge advised plaintiff that if he did not submit that information within thirty days, he would be assessed the entire \$350.00 filing fee for civil actions filed in this Court, and that his case would be dismissed on that date if he had not paid the fee. That procedure is mandated by the Court of Appeals' decision in *In re Prison Litigation Reform Act*, 105 F.3d 1131 (6th Cir. 1997); *see also McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).

Plaintiff has filed nothing since the date of that order. The thirty days to respond elapsed on January 15, 2011. Even given the delays that sometimes occur in the prison mail system, if plaintiff were going to respond to the order, he should have done so by now. Consequently, plaintiff is assessed a filing fee of \$350.00 for this case, and the case is **DISMISSED** for failure to pay the fee.

IT IS SO ORDERED.

2-8-2011

DATED



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE